In the Supreme Court of the United States

OCTOBER TERM, 1972

No.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, PETITIONER

v.

THE WILDERNESS SOCIETY, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MOTION FOR EXPEDITED CONSIDERATION

The Solicitor General, on behalf of the Secretary of the Interior, respectfully moves the Court to expedite consideration of the accompanying petition for a writ of certiorari and the related petitions filed by the State of Alaska and Alyeska Pipeline Service Company as follows:

(a) By requiring any responses to the petitions for writs of certiorari to be filed by March 28, 1973; and

(b) By establishing a briefing schedule, if the Court grants the petitions, that will permit the case to be heard in mid-May and decided this Term. In the event

497-184—73

certiorari is granted in the first week in April, we will file a brief on the merits by April 16, and suggest that respondents' briefs on the merits be filed by May 7.

Counsel for the State of Alaska and Alyeska Pipeline Service Company have advised us that they join in this motion and will meet the above briefing schedule.

ERWIN N. GRISWOLD,
Solicitor General.

MARCH 1973.

In the Supreme Court of the United States

OCTOBER TERM, 1972

No.

ROGERS C. B. MORTON,
SECRETARY OF THE INTERIOR, PETITIONER

v.

THE WILDERNESS SOCIETY, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM IN SUPPORT OF THE MOTION FOR EXPEDITED CONSIDERATION

This case involves efforts of the respondents to enjoin the Secretary of the Interior from issuing the necessary permits and rights-of-way for the construction and operation of an oil pipeline across federal lands in Alaska for the transportation of oil from Prudhoe Bay on the North Slope of Alaska to the Port of Valdez. The court of appeals, sitting *en banc,* ordered the district court to enjoin the Secretary from issuing the necessary permits for the construction of the pipeline on the ground that the proposed permits would allow the use of federal lands in excess of the

maximum allowable width for a pipeline right-of-way under Section 28 of the Mineral Leasing Act, 30 U.S.C. 185 (Pet. App. A, pp. 13a–62a). The court of appeals refused to decide the further issue whether the environmental impact statement prepared by the Department of the Interior in connection with the proposed pipeline satisfied the requirements of Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (Pet. App. A, pp. 86a–93a).

The vital importance to the Nation of the development of the North Slope oil fields as quickly as possible is discussed in our petition (pp. 20–21). In brief, the matter is of the utmost urgency because of the rising domestic demand for crude oil, the national security need to keep the Nation's dependence on foreign oil imports within reasonable bounds, and the need to limit the balance of payments deficits resulting from massive oil imports.

Final resolution by the Court this Term of the Mineral Leasing Act and National Environmental Policy Act issues raised in our petition and the petitions of the State of Alaska and Alyeska Pipeline Service Corporation is needed in order that the North Slope oil may be developed and brought to market as rapidly as circumstances will allow. If the Court resolves the issues in the government's favor, construction of the proposed trans-Alaska pipeline may begin this summer. If despite the importance to the United

States of the development of the Alaskan oil reserves there must be further delay because of statutory obstacles, it should be a delay ordered by this Court, not a lower court.

Bills proposing various legislative solutions to the Mineral Leasing Act issue have been introduced in Congress. Whether they will receive favorable consideration cannot now be predicted. In any event, the sufficiency of the final environmental impact statement under the National Environmental Policy Act would still have to be resolved before construction of the pipeline could begin. Accordingly, expedited consideration of the petitions is of great importance notwithstanding the pendency of relevant legislation before Congress.

Our motion for expedited consideration is in two parts—the first directed to the filing of responses to the petitions for writs of certiorari, the second directed to the establishment of a briefing schedule should the Court grant the petitions. We request that the Court grant the first part of our motion at this time; consideration of whether to establish a briefing schedule to permit the cases to be heard this Term can, of course, be deferred until the Court determines whether to grant the petitions.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

MARCH 1973.

U.S. GOVERNMENT PRINTING OFFICE: 1973